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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People

United States Virgin Islands

Working paper prepared by the Secretariat

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I. General

1. The United States Virgin Islands is a Non-Self-Governing Territory administered by the United States of America. The Territory is located in the eastern part of the Caribbean Sea, 1,075 miles south-east of Miami and 60 miles east of Puerto Rico. The total land area is about 352 square kilometres. The Territory is made up of three main islands, St. Croix, St. John and St. Thomas, and one small island, Water Island. The capital, Charlotte Amalie, is located on St. Thomas. The Islands were in Danish possession from 1754 to 1917, when their purchase for $25 million by the United States of America became effective. United States citizenship was granted to Virgin Islanders under Acts of Congress on 25 February 1927 and 28 June 1932 through collective naturalization. The United States Office of Insular Affairs carries out the responsibilities of the Secretary of the Interior for the Territory.

2. According to territorial and federal sources, the population of the Territory for 2009 was estimated to be some 110,000, with 4,500 individuals living in St. John and the rest almost equally divided between St. Thomas and St. Croix, with a very slightly negative growth rate. As previously reported, the composition of the Territory's population is estimated to be a little more than 75 per cent black and 13 per cent white, with the remainder being of mixed, Asian and other origin. According to a recent estimate, 95 per cent of the population live in an urban setting.

II. Constitutional, political and legal issues

3. The United States Virgin Islands is an organized, unincorporated Territory of the United States. Under the Organic Act of the Virgin Islands (1936), its revision in 1954, and subsequent amendments to the Revised Organic Act of 1954, the Territory has a Legislature, also known as the Senate, which is a unicameral body comprising 15 senators elected for a two-year term by popular vote. Executive power is vested in a Governor, who has been elected on the same ticket as the Lieutenant-Governor since 1970 by popular vote for a four-year term. The Governor is limited to two consecutive terms, but can be elected again after one full term out of office. The Governor appoints, with the advice and consent of the Legislature, the heads of the executive departments and has the power to approve or veto legislation and issue executive orders.

4. As previously reported, in the November 2006 election for the position of Governor, John deJongh of the Democratic Party won a run-off against the Independent Party candidate with 57 per cent of the vote. The Territory's last legislative elections, held on 4 November 2008, resulted in the election of 15 senators, 10 Democrats, 2 members of the Independent Citizens' Movement and 3 non-party affiliates. The next legislative elections will be held in November 2010. The Territory elects a delegate to the United States House of Representatives, who is able to vote in committees. As previously reported, Democratic Candidate Donna M. Christensen ran unopposed in the 2008 election and was re-elected to a seventh two-year term as the United States Virgin Islands Delegate to the United States Congress.

Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

5. The Territory's judicial system has a District Court, a Superior Court and a Supreme Court, which became operational in January 2007. The Supreme Court of the Virgin Islands is the appellate court of the Virgin Islands that hears appeals decided by the Islands Superior Court. The establishment of the Supreme Court eliminates federal judicial involvement in purely local legal matters.

6. Since the Organic Act of the Virgin Islands was revised by the administering Power in 1954, there have been four attempts to replace it with a local constitution approved by the people of the Territory, which would organize the internal mechanisms of government. Although the United States Congress authorized the adoption of a local constitution in 1976 under United States Public Law 94-584, none of the four attempts made were successful.

7. As previously reported, after a Fifth Constitutional Convention was signed into law by the then Governor in 2004, an election for 30 delegates to form the Constitutional Convention took place in June 2007. The Fifth Constitutional Convention opened on 29 October 2007. On 26 May 2009, the Constitutional Convention adopted a proposed Constitution of the United States Virgin Islands by a two-thirds vote. The text of the proposed Constitution was submitted to the Governor on 31 May 2009, and made widely available, including to the Legislature and on the Internet. In a preamble and 19 articles, the 27-page text of the proposed Constitution includes provisions on a bill of rights; principles, branches and subdivisions of government; Virgin Islanders; elections; education; youth; taxation, finance and commerce; economic development; public health, safety and welfare; culture; protection of the environment; referendums and recalls; and creation of a Political Status Advisory Commission.

8. With regard to the creation of a Political Status Advisory Commission, the proposed Constitution states in article XVII that this should be done within two years of the adoption of the Constitution, with a term of office of three years. Moreover, after a year of public education on the status and federal relations options of (a) statehood, (b) free association, and (c) independence, a special election would be held. The special election on status would be reserved for vote by "ancestral native" and "native" Virgin Islanders, as defined in article III of the proposed Constitution, whether residing within or outside the Territory.

9. Article III of the proposed Constitution states that an "ancestral native" Virgin Islander is a person or a descendant of such a person who was born or lived in the Territory on or before 28 June 1932 and was not a citizen of any other country; a "native" Virgin Islander is a person or descendant born in the Territory after 28 June 1932.

10. Certain provisions of the proposed Constitution have been a source of contention among delegates, as reflected in media reports. For instance, under article VI, only "ancestral or native" Virgin Islanders are qualified to run for Governor and Lieutenant-Governor. Also, under article XI, "ancestral native" Virgin Islanders would not have to pay certain property taxes. Moreover, in a letter made public, the Governor articulated that the most general and generous reading of the draft Constitution showed it to be inconsistent with basic tenets of equal protection and fairness.

11. Later in the year, speaking before the 3rd meeting of the Fourth Committee of the General Assembly, at its sixty-fourth session, held on 6 October 2009 (see

A/C.4/64/SR.3, paras. 10-12), Gerard Luz Amwur James II, President of the Fifth Constitutional Convention of the United States Virgin Islands, said that the proposed Constitution had been duly submitted to the elected Governor, who was to have forwarded it to the administering Power for review, with the authority to modify or amend it, in whole or in part, as specified by law. The President went on to inform the Fourth Committee that the Governor had taken the "unilateral" decision not to transmit the proposed Constitution to the administering Power based on the contention that some of the provisions might not be consistent with how the United States Constitution was applied to the Territory. He indicated that officers of the Fifth Constitutional Convention had filed a suit in the Territory's Superior Court to mandate the transfer of the proposed Constitution to the administering Power, and awaited its decision.

12. Meanwhile, at the United Nations Caribbean regional seminar on decolonization, held in St. Kitts and Nevis in May 2009, Tregenza Roach of the University of the Virgin Islands, inter alia, spoke about the Territory's attempt to adopt a local constitution with the aim of increasing local self-government, although many in the Territory had argued that the international political status issue should be determined prior to a decision on the proposed Constitution.

13. As previously reported, regarding the Territory's international political status, the first and only referendum on a range of political status options had been conducted in 1993. However, only 27 per cent of the electorate voted and, of those, 80.3 per cent voted to retain the current status. The result was considered invalid since less than 50 per cent of the electorate had voted.

14. After a delay of almost half a year, which involved a ruling of the Territory's Superior Court, on 31 December 2009 the Governor forwarded the draft constitution to the President of the United States of America. Under Public Law 94-584, the President has 60 days to transmit the text with comments to Congress. Congress would then have a further 60 days to review the document, which would be deemed to have been approved by the Congress, unless it was approved or modified prior to such time. As so approved or modified, the draft constitution would be submitted to the Territory's qualified voters for a referendum.

15. On 26 February 2010, the President of the United States submitted the proposed Constitution to Congress, endorsing the conclusions reached by the Department of Justice that several features of the proposed text warranted analysis and comment, including the absence of an express recognition of United States sovereignty and the supremacy of federal law; provisions for a special election on the territorial status of the United States Virgin Islands; and provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry. Congress scheduled hearings on the proposed Constitution on 17 March 2010 in Washington, D.C.

III. Budget

16. According to the administering Power, the Territory's fiscal year began on 1 October 2009. The Governor submitted the Financial Year 2010 Budget to the 28th Legislature on 24 June 2009, at a projected funding level of $854.4 million available for appropriation from the General Fund operating budget. The Governor cautioned the Legislature that the Territory was faced with difficult choices as a government,

great challenges as a community, and real hardships, as the Virgin Islands confronted the grim reality of the global recession.[1]

17. In his State of the Territory address, delivered on 25 January 2010, the Governor stated that the global economic crisis had a devastating impact on government funds, which were running a monthly deficit of $25 million. Tax revenues had fallen by over 30 per cent. This meant that the territorial Government had $234 million less to spend than it had the previous year, which amounted to almost half of the cost of salaries and benefits of the territorial Government's approximately 12,000 (2008) workers. At the same time, the territorial Government had applied for funding for over $400 million-worth of projects in stimulus awards under the United States 2009 American Recovery and Reinvestment Act, and received over $157 million, which together with other measures such as borrowing would support the General Fund.

18. According to the administering Power, the passage of the American Recovery and Reinvestment Act of 2009 provided the Virgin Islands with approximately $280 million formula-derived funding to enhance existing programmes and to support the expansion of services and initiatives in the areas of energy efficiency, education, health care, labour and law enforcement.

19. As previously reported, legislation which repealed a 1936 federal law limiting the authority of the territorial Government to administer its own property tax system became law in 2007 as did a property reform law in March the following year. According to the administering Power, the Territory has moved towards completing other needed steps, but has not yet had an original 2003 court injunction on tax matters lifted; the territorial Government has not collected property taxes since 2008.

IV. Economic conditions

A. General

20. The mainstay of the Virgin Islands economy are the tourism and manufacturing sectors. Tourism, concentrated on St. Thomas, is the largest revenue generator and main growth element in the economy, contributing approximately 80 per cent to the gross domestic product (GDP) of the Territory. The manufacturing sector, located primarily on St. Croix, contributes approximately 12 per cent to the GDP. It consists largely of petroleum refining and rum distilling, and includes smaller textiles, electronics, pharmaceuticals, and watch-assembly operations. According to the United States Virgin Island Bureau of Economic Research, using the latest figures available, the GDP of the Territory was approximately $4.1 billion in 2006, and the per capita personal income $20,381 in 2008.

21. The United States Virgin Islands Economic Development Authority is a semi-autonomous government instrumentality responsible for the promotion and enhancement of economic development in the Territory. It has five major components: Economic Development Commission, Government Development Bank, Industrial Park Development Corporation, Small Business Development Agency, and Enterprise Zone programme.

[1] Information provided by the administering Power on 27 February 2010.

22. Under the direction of the Economic Development Authority, the basic purposes and objectives of the United States Virgin Islands Economic Development Commission are to promote the growth, development and diversification of the economy; to benefit the people of the Territory by discovering and developing to the fullest possible extent the human and economic resources available therein; to establish and preserve opportunities for gainful employment for residents; to promote capital formation for industrial development; to develop the educational system of the Territory; and to preserve the environment and natural resources of the Territory. As previously reported, the Commission is empowered to grant tax reductions such as full exemption from property taxes and 90 per cent of local income taxes and dividends.

B. Tourism

23. Tourism is the primary economic sector in the United States Virgin Islands, with, according to federal sources, an estimated GDP contribution of approximately 80 per cent. St. Thomas and St. John are the main tourist centres. Two thirds of St. John is covered by a national park with developed underwater and eco-tourism industries. The Territory hosted 2.4 million visitors in 2008, of which a large majority were cruise tourists.

24. According to the administering Power, the industry has been hurt by the global economic crisis, but the Virgin Islands Bureau of Economic Research released tourism indicators in January 2010 for September and October 2009 that showed an increase in arrivals to the Territory; for instance, visitor arrivals grew by 4.4 per cent overall in September 2009 compared with September 2008, and in October 25.7 per cent over the previous year.

25. According to the Governor's 2010 State of the Territory address, airlift at the two major airports of the Territory had grown by 25 and 34 per cent during 2009. During the 2009 season, the territorial Government reported a little over 1,582,000 cruise passenger visits, constituting a decline of almost 10 per cent compared to 2008. To promote tourism in the United States Virgin Islands, in 2009 the Territory's Department of Tourism implemented a dedicated small hotels marketing plan benefiting hotels with 50 rooms or less, and unveiled a new advertising campaign.

C. Manufacturing, construction and financial services

26. The manufacturing sector, comprised mostly of petroleum and rum, contributes significantly to the island economy. According to territorial Government statistics, refined petroleum exports in 2008, the latest year for which figures were available, were some $14 billion. The Territory features one of the largest and most modern refineries in the world, a joint venture between subsidiaries of a private United States company and the Venezuelan State oil company Petroleos de Venezuela on the south shore of St. Croix. Towards the end of 2009, the refinery ran its crude units at about 77 per cent of capacity, off sharply from 91 per cent the previous year, reflecting poor market conditions and the need for unscheduled repairs.

27. The rum industry is the second pillar of the manufacturing sector of the Territory. Based on the most recent territorial Government statistics available, the

Territory's rum exports totalled about $31.4 billion in 2008. According to the administering Power, construction of the new private rum distillery under an agreement with the territorial Government signed into law in 2008, started in August 2009 and is on schedule. The distillery is expected to be operational by November 2010 and to employ between 60 and 70 people on St. Croix once it is operational. In 2009, the Legislature ratified a contract agreement for a 30-year public-private partnership, strengthening the relationship between the Territory and another major rum producer. The agreement utilizes the rum excise tax "cover-over" programme, an economic development tool which returns excise taxes on locally produced rum sold in the United States.

28. The Territory's value of construction permits declined markedly by about 22 per cent during 2009, as compared to 2008. According to the administering Power, jobs in the construction sector remained weak during the period under review. At the same time, according to the Governor's 2010 State of the Territory address, three major hotel projects on St. Croix had obtained governmental approvals to proceed to construction, and two resort projects on St. Thomas were set to move ahead. Also, through approval of capital project initiatives, in 2009 the territorial Government had taken steps to improve various recreational facilities, and design and construct the new St. Thomas Library and Record Center, and the Department of Justice Toro Building, as well as the LaReine, Frenchtown and Frederiksted fish markets.

29. The Governor further reported that during 2009, the United States Department of Housing and Urban Development had returned 35 acres of property in Estate Bordeaux on St. John to the territorial Government, and progress had been made towards repairing and rehabilitating 500 of the 900 vacant housing units.

30. According to territorial and federal sources, the international financial and business services sector is a small but growing component of the GDP of the Territory. During 2008/2009, it employed about 2,500 persons, by and large maintaining the number of jobs in the sector when compared to previous years.

D. Transportation and utilities

31. In 2008/09, the United States Virgin Islands had approximately 1,250 kilometres of roadways and some 65,000 registered vehicles. The Territory has one of the best natural deepwater harbours in the Caribbean and is strategically located along the Anegada Passage — a key route for ships bound for the Panama Canal. The Territory has five major docking facilities, which can accommodate cruise ships and some naval vessels. Three of the docks are on St. Croix, namely South Shore, Gallows Bay and Frederiksted. The other two are on St. Thomas, namely, the facilities operated in Crown Bay by the Virgin Islands Port Authority, a semi-autonomous government agency, and the Islands-owned West Indian Company.

32. The Port Authority operates two international airports, Cyril E. King Airport on St. Thomas and Henry E. Rohlsen Airport on St. Croix. According to the Governor, speaking to the media, the United States Department of Transportation and Federal Aviation Administration had awarded the Port Authority of the Territory over $14 million for the ongoing rehabilitation of the runway of the Cyril E. King Airport. The rehabilitation is expected to address long-standing concerns about the condition of the runway and its lighting system.

33. The Virgin Islands Water and Power Authority (WAPA) is an autonomous governmental entity of the territorial Government that produces and distributes electricity and potable water to approximately 54,000 electrical and 12,000 potable water customers. The Virgin Islands Water and Power Authority also installs and maintains street lights in the Territory. It is considered a not-for-profit public corporation that contributes directly to the budget of the Virgin Islands Government through an annual payment in lieu of taxes to the Virgin Islands Treasury. The Authority was created in Act 1248 on 13 August 1964 by the Fifth Legislature of the Virgin Islands. Rates for electrical, potable water and street light services are regulated by the Public Services Commission.

34. Electricity is thermally generated using imported fuels, as agreement on the construction of two biomass power plants was finalized in 2009. According to the Governor, state-of-the-art waste-to-energy facilities would be constructed on both St. Croix and St. Thomas to process much of the Territory's garbage into refuse-derived fuel. He also said that, through the combined and coordinated efforts of the Virgin Islands Water and Power Authority and the Waste Management Authority, after 30 years, resolution of the multiple issues surrounding the closure of landfills was near.

35. For its part, the Energy Office, under the Office of the Governor, developed in 2009 a strategy plan of 31 initiatives to guide the execution of energy policies in the United States Virgin Islands and has been at the forefront of leveraging federal stimulus dollars to support energy efficiency and renewable energy goals. These funds are expected to allow for the expansion of the solar water-heating industry in the Territory, the harnessing of landfill gases as a source of energy, an increase in energy efficiency consumer rebates, and numerous other renewable energy projects.

36. As reported in the media, the Energy Office received in 2009 several American Recovery and Reinvestment Act stimulus grants to promote conservation and renewable energy in the Territory — $20.6 million in State Energy Programme Funds, a $9.6 million Energy Efficiency Conservation Block Grant, and $1.4 million for weatherization assistance, as well as a $104,000 State Energy Efficiency Appliance Rebate grant. The money was being awarded in stages as the Energy Office meets federal performance goals.

37. As previously reported, owing to limited freshwater supplies, salt water is used extensively for non-domestic purposes, including fire fighting and sewage. A desalination plant on St. Thomas produces approximately 4.5 million gallons per day. Wells, particularly on St. Croix, supply the remainder of the freshwater necessary. Owing to the high cost of water, average daily consumption is about 50 gallons per person per day, about one third the United States average.

38. In terms of communications, during 2008/09, there were approximately 59,000 telephones, 8,700 Internet hosts (a computer connected directly to the Internet), and a number of radio and television broadcast stations.

E. Agriculture and fisheries

39. Historically, sugar cane, and to a lesser extent cotton, were the main revenue sources for the Territory's economy. Currently, the agricultural sector is very small and comprises mainly fruit and vegetable cultivation, and cattle-raising. According

to a federal source, agriculture in the United States Virgin Islands accounts for about 1 per cent of GDP and employment.

40. According to the Governor's 2010 State of the Territory address, the Territory's Department of Agriculture continued its work in 2009 to increase the quantity and diversity of local food production. In 2009 it introduced new programmes and initiatives to increase water storage, to support home grown food production and to youth agricultural training. The Department also directly supported farmers by assisting them with focused crop selection and livestock usage and providing access to proper business planning and financial resources.

41. With regard to fisheries, the territorial Government supported initiatives at the Caribbean Fisheries Management Council, with the National Marine Fisheries Service, and at the Congressional level to ensure that data collection was accurate, and that no unreasonable catch limits were placed on the Territory's fishermen.

V. Social conditions

A. General

42. According to the Governor's 2010 State of the Territory address, the Territory's Department of Labour cushioned the impact of the global recession in 2009 by issuing unemployment insurance checks and providing training to over 4,000 individuals, including green technology training, apprenticeships programmes in construction, and a series of programmes and services to retrain workers in the tourism industry. In addition, the Department placed over a thousand young Virgin Islanders in jobs during the summer of 2009.

43. Moreover, the Territory's Department of Human Services secured federal stimulus funds to increase monthly food stamp benefits by 14 per cent for each recipient The number of recipients had grown by 4,500, or nearly one third. To support those in the Territory most in need, the territorial Government had reconstituted the Developmental Disabilities Council, activated the Mental Health Planning and Advisory Council, and, through the Virgin Islands Interagency Coalition on Homelessness, identified funding to build shelter for the homeless.

B. Labour

44. According to information published by the territorial Government, average annual employment in 2009 reached about 48,282 jobs, constituting a decline of some 2.8 per cent compared to 2008, and unemployment stood at approximately 7.6 per cent, with an increase of almost 2 per cent compared to 2008.

45. The Virgin Islands Department of Labor receives its authority pursuant to Titles 3, 24, 27 and 29 of the Virgin Islands Code; the Workforce Investment Act of 1998; the Occupational Safety and Health Administration Act of 1970; and other federal laws which require the development of administrative structures that govern and enforce fair labour standards and the protection of the people of the United States Virgin Islands from any threat to health, morals, and general welfare. The mission of the Virgin Islands Department of Labor is to administer a system of effective programmes and services designed to develop, protect and maintain a

viable workforce. According to the administering Power, in 2009, the Department and the Virgin Islands Energy Office partnered to create an innovative 14-week programme offering training to economically disadvantaged residents by preparing them for technical careers in renewable energy. Students are trained to assemble and install various types of solar water-heating systems.

46. For their part, as previously reported, employers in the Territory must follow federal and territorial labour laws, such as those regulating minimum wages, occupational health and safety standards and payment of social security tax and unemployment insurance.

C. Education

47. Education in the United States Virgin Islands is compulsory and free for all children between five-and-one-half and 16 years of age. The Territory's Department of Education administers approximately 40 schools. The University of the Virgin Islands has campuses on St. Thomas and St. Croix, teaching some 2,500 full- and part-time students in a variety of fields, such as education, business and public administration, as well as marine and environmental science, with over 300 graduates per year.

48. A federal source estimates the Territory's literacy rate in 2009 to be in the region of 95 per cent. According to reports in the media, education officials indicated that the Territory had a dropout rate for grades 7 to 12 of approximately 6 per cent during the 2007-2008 school year. Of the total number of students who dropped out of school, 65 per cent were between the ages of 16 and 18; 29 per cent of dropouts were 19 years old or older; and 5 per cent were 13 to 15 years old.

49. According to the Governor's 2010 State of the Territory address, the territorial Government continues to invest capital in school projects across the Territory; initiated a survey of students in special education; and hired the Government's first Americans with Disabilities Act Coordinator. Efforts were made in early 2010 to address the Territory's student dropout rate. According to the administering Power, as preparing quality workers for the new economy remains a challenge, the Department of Education has invested in career and technical programmes that will provide career pathways to jobs in innovative economic sectors identified by the Territory's Workforce Investment Board, which was established in 2008.

50. Outside the public sector, in May 2009, a small private school on St. Croix dedicated to children with learning disabilities gained full accreditation as a junior high and high school by Middle States Association of Colleges and Schools, a voluntary non-governmental membership association that defines, maintains, and promotes educational excellence across institutions, including in the middle States region of the United States.

D. Public health

51. The life expectancy of the Territory's total population is about 82 for women and 76 for men. As previously reported, about 50 per cent of all United States Virgin Islands residents are without health insurance. Unlike in the United States, Medicaid (the federal- and state-funded health-care programme for low-income individuals

and families) is not an entitlement programme in the Territory, which means that federal funding is "capped". In 2009, the Governor urged United States senators to eliminate the Medicaid cap as an essential precondition to the development of full-fledged Medicaid programmes. In his 2010 State of the Territory address, the Governor stated that the Territory had secured federal funds to develop a modern Medicaid management information system.

52. In a press release issued by her Congressional office on 30 October 2009 on the occasion of the signing of the United States HIV/AIDS Treatment Extension Act, the United States Virgin Islands Delegate to Congress said that the four-year reauthorization was important because it supported states and territories with HIV/AIDS-related programmes. According to media reports, in fiscal year 2008/2009, the United States Virgin Islands received $1.14 million under the Act's Part B funds, which included funding to support the AIDS drug assistance programme, as well as a grant that can also be used to fund direct services to patients with HIV.

53. As previously reported, the Virgin Islands Cardiac Center at the Juan F. Luis Hospital in St. Croix opened in 2008. The Territory's first open-heart surgery was successfully performed at the Center in January 2010.

E. Crime and crime prevention

54. In response to what appeared to be escalating drug-related shootings and other violent crimes in the Territory, in the first quarter of 2009 the Governor issued a statement calling on all Virgin Islanders to increase their participation and cooperation in combating violent crimes. According to the administering Power, later in the year, a new digital emergency "911" system became operational.

55. As reflected in the 2010 State of the Territory address, during 2009, there were 54 homicides, with 51 involving guns. Most of these cases involved individuals who had previously been arrested, or a person of interest to the police, or a person who had already been involved in some manner with the justice system during their often brief lives. In terms of prevention, the territorial Government had added more security cameras throughout the Territory, secured federal funds to improve forensic and investigative capabilities, strengthened security at schools, and taken steps to expand and improve the prosecutorial capacity of the Department of Justice. Moreover, the territorial Government's Police Department had appointed a Tactical Anti-Gang Coordinator to implement an anti-gang initiative.

VI. Environmental protection and disaster preparedness

56. In 2009, the Governor signed a new energy bill passed by the Legislature to increase awareness and use of renewable energy alternatives for both the public and private sectors, as the Virgin Islands Water and Power Authority pursued its efforts to cut down on oil consumption, referred to above, with the help of two privately owned biomass energy plants that convert waste to energy.

57. Moreover, according to the Governor's 2010 State of the Territory address, the territorial Government achieved in 2009 a number of its environmental policy goals related to the aforementioned refinery's commitment to spend in excess of half a billion dollars to upgrade operations to clean up air emissions over the next six to

eight years; the Territory's principal rum producer's efforts to develop new wastewater treatment facilities and distillation upgrades; and the signing of a cooperative management agreement to facilitate the development of the marine research and education centre at Salt River Bay under the auspices of the Joint Institute of Caribbean Marine Studies and the University of the Virgin Islands.

58. An international partnership for Energy Development in Island Nations between Iceland, New Zealand and the United States to further the use of energy-efficient and renewable energy technologies in island nations and territories announced in April 2009 that the United States Virgin Islands was selected to be the United States pilot project participant. The pilot project will focus on achieving specific and measurable clean energy targets by developing indigenous renewable energy resources and improving energy efficiency.

59. The United States Virgin Islands periodically faces hurricanes and flooding, in addition to being located within an earthquake-risk zone. The Federal Emergency Management Agency provides programmes of mitigation, preparedness, response and recovery in the Territory through the Virgin Islands Territorial Emergency Management Agency, since 2009 operating as a stand-alone agency in accordance with a reorganization plan approved by the Legislature.

60. According to the Governor's 2010 State of the Territory address, the Virgin Islands Territorial Emergency Management Agency has made great progress as a stand-alone agency, including by putting online a modern "911" emergency communication system, staffed by well-trained emergency response professionals. With the development of the communications centre, the facility would function as the first federally certified fusion centre in the Caribbean, and was expected to be at the forefront of emergency management and homeland security in the region.

VII. Military issues

61. Information disseminated by the United States Department of Homeland Security during 2009 indicated that the United States Coast Guard at St. Thomas comprised about one dozen active duty officers and crew who performed marine safety and homeland security-related operational functions.

62. According to the Governor's 2010 State of the Territory address, the territorial Government has begun the construction of a new National Guard Regional Training Facility and a Joint Force Headquarters, and has gained Department of Defense approval to build out the Air National Guard to expand the Territory's security involvement in the Caribbean. Additionally, in line with the Territory's historic and social connections in the region, and its recent acceptance as an observer at the Organization of Eastern Caribbean States, the National Guard has initiated the process of serving as the initial point of contact with the Regional Security System of the Eastern Caribbean.

VIII. Relations with international organizations and partners

63. The United States Virgin Islands is an associate member of the Economic Commission for Latin America and the Caribbean (ECLAC). The Territory has observer status with the Alliance of Small Island States, which serves as a platform

to promote action on environmental issues, including climate change. According to information provided by the administering Power, the United States Virgin Islands received acceptance as territorial Government with observer status at the Organization of Eastern Caribbean States in the last quarter of 2009.

IX. Future status of the Territory

A. Position of the territorial Government

64. Developments regarding discussions on the future status of the United States Virgin Islands are reflected in section II above.

B. Position of the administering Power

65. Most recently, in a letter dated 2 November 2006 addressed to the American Samoa Delegate to the United States Congress, the Assistant Secretary of State for Legislative Affairs elaborated the position of the United States Government on the status of American Samoa and other United States Insular Areas, which was considered equally valid for 2009. In his letter, as previously reported, the Assistant Secretary indicated that the status of the Insular Areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee of 24. The letter also noted that the Special Committee of 24 had no authority to alter in any way the relationship between the United States and those Territories and no mandate to engage the United States in negotiations on their status. The letter further stated that at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social, and educational conditions, the federal Government did submit annual updates on United States Territories to the Special Committee of 24 as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee of 24 might have received from other sources.

C. Action taken by the General Assembly

66. On 10 December 2009, the General Assembly adopted, without a vote, resolutions 64/104 A and B, based on the report of the Special Committee transmitted to the General Assembly[2] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/64/413). Section XI of resolution 64/104 B concerns the United States Virgin Islands. Under that section's operative paragraphs, the General Assembly:

> "1. *Welcomes* the establishment of the Constitutional Convention in 2007, and requests the administering Power to assist the territorial Government in achieving its political, economic and social goals, in particular the successful conclusion of the ongoing internal Constitutional Convention exercise;

[2] *Official Records of the General Assembly, Sixty-fourth session, Supplement No. 23* (A/64/23).

2. *Requests* the administering Power to facilitate the process for approval of the territorial draft constitution in the United States Congress, once agreed upon by the territorial Government;

3. *Also requests* the administering Power to assist the Territory by facilitating its work concerning a public education programme, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

4. *Reiterates its call* for the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories."